



U.S. Department of Justice

*United States Attorney
Eastern District of New York*

RCH/SPN/HDM/CRH
F. #2018R01309

*271 Cadman Plaza East
Brooklyn, New York 11201*

August 8, 2022

By ECF

The Honorable Brian M. Cogan
United States District Judge
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

Re: United States v. Rashid Sultan Rashid Al Malik Alshahhi, et al.
Criminal Docket No. 21-371 (S-1) (BMC)

Dear Judge Cogan:

As the Court is aware, certain counsel (and potentially certain jurors) will have conflicts on multiple days of trial due to religious holidays. Under the present schedule, this will result in only two to three trial days every week of trial, except for the first week. If adjournments for religious observance are needed, the jury will sit on September 28 and 29 the second week of trial, on October 3 and 6 the third week of trial¹, and on October 11, 12 and 13 the fourth week of trial. Accordingly, the government writes to respectfully request that the Court hold trial on Fridays on weeks where there is otherwise a day off due to a conflict with these holidays. The government believes this will allow for a more efficient trial and appropriately reduces the already substantial time jurors are likely to have to sit for this case, particularly given that defendants advised on Friday that they may call as many as 26 specified witnesses as well as character witnesses that “will be identified before trial.” Specifically, the government requests that trial be conducted on the following Fridays:

- Friday, September 30
 - Monday and Tuesday, September 26 and 27, adjourned due to Rosh Hashanah
- Friday, October 7
 - Tuesday, October 4 (partial) and Wednesday, October 5 adjourned due to Yom Kippur
- Friday, October 14
 - Monday, October 10 adjourned due to Sukkot; October 10 is also a Court holiday for Columbus Day.

¹ The jury may be able to sit for part of October 4, depending on when individuals may need to leave in time to meet observational requirements for Yom Kippur.

The government has communicated this proposal to defense counsel and requested information about their need to adjourn for any of these holidays. Mr. Lowell previously identified this conflict to the Court, and has advised the government that he requires adjournments on September 26 and 27, the second half of October 4,² October 5 and October 10. No other counsel for the defendants has provided the government with any information about similar conflicts. Mr. Lowell has indicated his objection to this proposal because he will be teaching a fall semester class at Columbia University that is scheduled for Fridays. The government appreciates the difficulty presented by this potential conflict but respectfully requests that Mr. Lowell move the class time or find someone to cover the three dates at issue given the significant interests at stake, including respect for jurors' time and efficient adjudication of the case. Counsel for Mr. Barrack has to date declined to provide their position on the matter.

Accordingly, for the reasons discussed above, the government respectfully requests that the Court conduct trial days on certain Fridays – specifically, September 30, October 7 and October 14 – during weeks when other trial days are adjourned due to holiday.

Respectfully submitted,

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cc: Counsel for Thomas Joseph Barrack (by ECF)
Counsel for Matthew Grimes (by ECF)
Clerk of the Court (BMC) (by ECF)

² Mr. Lowell has advised that he may make arrangements to observe in New York, which would then only require that we end by 4PM at the latest on October 4.